

REMARKS

Claims 60-64 were allowed in the Office Action.

Claims 65-67 have been amended.

35 U.S.C. §103

MPEP 706.02(j) states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 1438 (Fed. Cir. 1991) (emphasis added).

Claims 36-42, 70

The rejection of these claims is respectfully traversed.

Among other things, claim 36 claims “[a]n anastomosis tool for connecting a graft vessel to a target vessel, comprising: a one-piece anastomosis device having a diameter...wherein the diameter of said anastomosis device increases upon deployment.” As admitted in the Office Action, U.S. Pat. No. 6,024,748 to Manzo (“Manzo”) does not disclose a one-piece anastomosis device at all. (Office Action, page 2). In addition, U.S. Pat. No. 5,833,698 to Hinchliffe fails to teach or suggest the claimed “one-piece anastomosis device having a diameter...wherein the diameter of said anastomosis device increases upon deployment.” Hinchliffe discloses a one-piece anastomosis device having a ring member 332 with a number of prongs 334. (col. 11, lines 11-13, 46-48; Figure 28). The ring member 332 is solid, and neither the text nor Figure 28 teach or suggest that the diameter of the ring

member 332 increases or is even capable of increasing upon deployment. Indeed, to deploy the anastomosis device, the prongs 334 are deformed “radially inward toward ring 332”; no deformation of the ring member 332 during deployment is taught or suggested at all. (col. 11, lines 46-48). Thus, as the prongs 334 deform inward, the overall diameter of the anastomosis device decreases. Consequently, Hinchliffe teaches away from an anastomosis device having a diameter that “increases upon deployment.” (emphasis added).

Thus, neither Manzo nor Hinchliffe teach or suggest all of the limitations of claim 36, and it is believed that claim 36 is in condition for allowance. Claims 37-42 and 70 depend from claim 36, and are thus believed to be in condition for allowance as well under MPEP 608.01(n)(III).

With regard to claim 40, the Office Action states that “Manzo discloses that the first tube is configured for removable connection to the anastomosis device.” (Office Action, page 2). However, the Office Action also admits that Manzo does not disclose the claimed one-piece anastomosis device. (Office Action, page 2). Thus, Manzo does not and cannot disclose the claimed “first tube...removably connectable to said anastomosis device.”

With regard to claim 42, the Office Action states that “Manzo discloses that the first tube includes a plurality of connecting members at a distal end and the anastomosis device includes a plurality of features arranged to removably connect to the plurality of connecting members.” (Office Action, page 3). However, the Office Action also admits that Manzo does not disclose the claimed one-piece anastomosis device. (Office Action, page 2). For at least this reason, Manzo does not and cannot disclose the claimed “first tube [that] includes a plurality of connecting members at a distal end thereof and said anastomosis device includes a plurality of features arranged to removably connect to said plurality of connecting members.”

Claims 65-67

Claim 65 has been amended to claim, among other things, “[a] method of performing anastomosis between a graft vessel and a target vessel, the method comprising: providing a one-piece anastomosis device...and deploying said anastomosis device with the anastomosis device applicator to connect the graft vessel to the target vessel, wherein said deploying increases the diameter of said anastomosis device.”

The discussion above with regard to claim 36 applies equally here. Neither Manzo nor Hinchliffe teach or suggest deploying a one-piece anastomosis device, wherein that deploying increases the diameter of the anastomosis device. Thus, neither Manzo nor Hinchliffe teach or suggest all of the limitations of claim 65, and Applicants believe claim 65 is in condition for allowance. Claims 66-67 depend from claim 65, and are thus believed to be in condition for allowance as well under MPEP 608.01(n)(III).

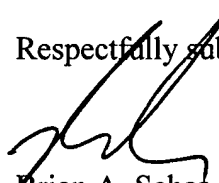
With regard to claim 66, the Office Action states that “the step of deploying the anastomosis device is performed by moving the first and second tubes with respect to one another.” (Office Action, page 3). However, the Office Action also admits that Manzo does not disclose the claimed one-piece anastomosis device. (Office Action, page 2). Thus, Manzo does not and cannot disclose the claimed “deploying said anastomosis device...performed by moving the first and second tubes with respect to one another”

With regard to claim 67, the discussion of claim 42 above applies equally.

REQUEST FOR ALLOWANCE

Allowance of the pending claims is respectfully solicited. Please contact the undersigned if there are any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Schar', is written over the typed name.

Brian A. Schar
Attorney for Cardica, Inc.
Reg. No. 45,076
Tel. No. (650) 331-7162